

PATENT

#3

Attorney Docket No.: 8830-8

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent application of :  
 Finbarr Paul Mary O'Harte et al. :  
 :  
 Serial No.: 09/937,786 :  
 (International Application PCT/GB00/01089) :  
 :  
 Filed: (International Application: March 29, 2000) :  
 :  
 For: Peptide :  
 :

RECEIVED

13 MAY 2002

Legal Staff  
International DivisionPETITION

PCT Legal Division  
 Commissioner for Patents  
 Box PCT  
 Washington, DC 20231

Dear Sir:

Reference is made to a telephone conference with PCT Legal Examiner Raphael Bacares on May 7, 2002.

Mr. Bacares indicated that a Notice of Acceptance of the application has been held in advance pending receipt of applicants' response to the Notification of Missing Requirements mailed November 13, 2001.

Applicants fully responded to the Notification of Missing Requirements in a timely fashion on January 8, 2002, as evidenced by the PTO-received-stamped postcard, a true and correct copy of which is attached hereto.

<b>CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.10</b>	
EXPRESS MAIL Mailing Label Number: <u>EL 901 244 410 US</u>	
Date of Deposit: <u>May 9, 2002</u>	
<p>I hereby certify that this correspondence, along with any paper referred to as being attached or enclosed, and/or fee, is being deposited with the United States Postal Service, "EXPRESS MAIL-POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10, on the date indicated above, and addressed to: Commissioner for Patents, Washington, D.C. 20231.</p> <p><u>Noemi Rivera</u>  <u>Noemi Rivera</u>  <u>Noemi Rivera</u></p>	
Signature of person mailing page:	
Type or print name of person	

Submitted herewith are true and correct photocopies of the following documents as filed by applicants on January 8, 2002 and itemized on the return postcard:

1. Response to Notification of Missing Requirements;
2. Executed Declaration and Power of Attorney;
3. Copy of Notification of Missing Requirements;
4. Amendment and Statement under 37 C.F.R. 1.82(f)(g), and attached sequence listing paper copy;
5. Information Disclosure Statement and attached PTO-1449 (1 sheet);
6. Reference copies (4 references);
7. Check No. 51161, in the amount of \$65; and
8. Express Mail Label EL 885052277.

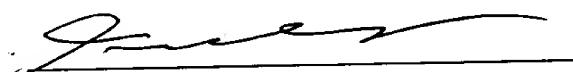
Also enclosed herewith is a replacement disk containing the sequence listing in electronic form, duplicating the electronic file contained on the diskette submitted on January 8, 2002.

Also enclosed is a copy of the front and back of the *cashed* check No. 51161 indicating that the PTO accepted payment of the surcharge under 37 C.F.R. 1.429(e).

Issuance of a Notice of Acceptance for national patentability examination, bearing an acceptance date of January 8, 2002, is earnestly solicited.

No fee is believed due to support this petition. However, if a fee is due, please charge deposit account 50-0573.

Respectfully submitted,  
FINBARR PAUL MARY O'HARTE et al.



DANIEL A. MONACO  
Registration No. 30,480  
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*Attorney for the Applicants*



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.

09/937,687

FIRST NAMED APPLICANT

Finbarr Paul Mary O'Harte

ATTY. DOCKET NO.

8830-8

INTERNATIONAL APPLICATION NO.

PCT/GB00/01089

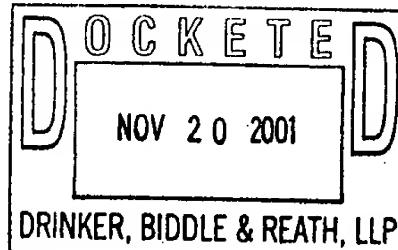
I.A. FILING DATE

03/29/2000

PRIORITY DATE

03/29/1999

Daniel A Monaco  
 Drinker Biddle & Reath  
 One Logan Square  
 18th and Cherry Streets  
 Philadelphia, PA 19103-6996



CONFIRMATION NO. 5098  
 371 FORMALITIES LETTER



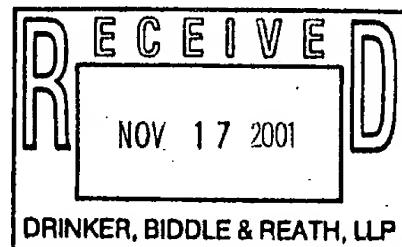
\*0C000000007054757\*

Date Mailed: 11/13/2001

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination
- Small Entity Statement



The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- **\$65** Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason (s):
  - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
  - **APPLICANT MUST PROVIDE:**
    - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
    - A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65** Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5).

*A copy of this notice MUST be returned with the response.*

**BARBARA A CAMPBELL**

Telephone: (703) 305-3631

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/937,687	PCT/GB00/01089	8830-8

IN THE U.S. PATENT AND TRADEMARK OFFICE

Attorney Docket No. 8830-8

For: PEPTIDE  
Serial No.: Int'l No. PCT/GB00/01089 (09/937,687)  
Filed: March 29, 2000 (I.A.)

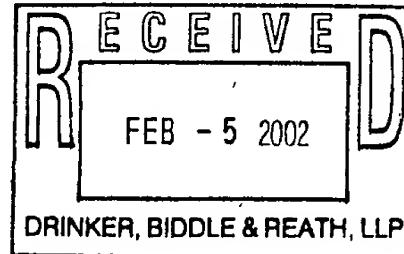
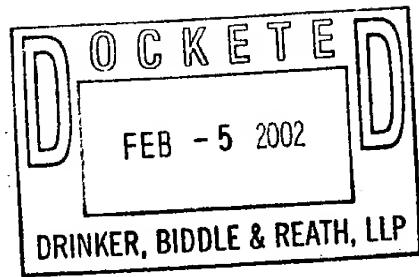
MAILED: January 8, 2002

Commissioner of Patents  
Washington, D.C. 20231 JC05 Rec'd PCT/PTO 08 JAN 2002

Sir:

Please acknowledge receipt of the attached papers by stamping the date received on this card  
and returning it to the addressee.

- 1) Certificate of Mailing by Express Mail (Label No. EL 885052277 US)
- 2) Copy of Notification of Missing Requirements (371 Formalities Letter)
- 3) Response to Notification of Missing Requirements
- 4) Declaration and Power of Attorney
- 5) Sequence Listing Disk with Amendment and Statement (37 CFR 1.821(f)(g))
- 6) Information Disclosure Statement w/Information Disclosure Citation & 4 Refs
- 7) Check No. 51161 (\$65.00)



PATENT

Attorney Docket No.: 8830-8

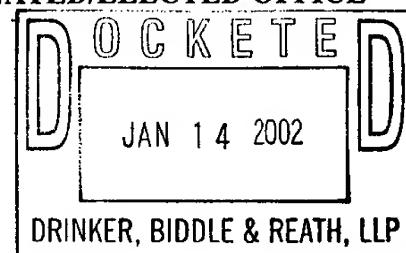
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent application of  
Finnbarr Paul Mary O'Harte, et al. :  
International No.  
Serial No.: 09/937,786 : PCT/GB00/01089  
Filed: I.A. Filing Date:  
29 March 2000 :  
For: Peptide :  
:

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35  
U.S.C 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE  
(DO/EO/US)**

Commissioner for Patents  
BOX PCT  
Washington, DC 20231

Dear Sir:



We respectfully submit herewith our response to the *Notification Of Missing Requirements Under 35 U.S.C.371 In The United States Designated/Elected Office (DO/EO/US)*, mailed from the U.S. Patent and Trademark Office on November 13, 2001.

<b>CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.10</b>	
EXPRESS MAIL Mailing Label Number: <u>EL 885 052 277 US</u>	
Date of Deposit: <u>1-8-02</u>	
I hereby certify that this correspondence, along with any paper referred to as being attached or enclosed, and/or fee, is being deposited with the United States Postal Service, "EXPRESS MAIL-POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10, on the date indicated above, and addressed to: Commissioner for Patents, Washington, D.C. 20231.	
<u>Teresa AB Durham</u> Signature of person mailing page: <u>Teresa AB Durham</u> Type or print name of person	

The following papers are submitted herewith:

1. A Declaration and Power of Attorney executed by inventors O'Harte and Flatt.
2. A sequence listing in computer readable form.
3. An amendment and statement under 37 C.F.R. 1.821(f)(g).
3. A copy of Form PCT/DO/EO/905.
4. A check in the amount of \$65.00 for the surcharge fee for small entity.

Please charge any fee deficiency required by this paper or credit any amount paid in excess to Account No. 50-0573.

This paper is submitted in duplicate.

Respectfully submitted

FINNBARR PAUL MARY O'HARTE, et al.

BY   
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